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AUTHOR Andringa, Robert C.
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ABSTRACT

The legislative process in the U. S. Congress is considered, and personal perspectives on federal/state roles in postsecondary education are offered. Members of the House Committee on Education and Labor are identified, and information is provided about the eight subcommittees. The comparable authorizing committee in the Senate is the Labor and Public Welfare Committee. In the House, three different subcommittees handle the same issues handled by the one Senate subcommittee. The Appropriations Committee handles all spending bills. Both the House and Senate appropriations committees have 13 subcommittees. Specific interactions with respect to authorization or appropriations bills under consideration are described to provide some insight on the legislative process. The following predictions are offered: total dollar support will keep up with inflation at best; few new programs will be enacted and the emphasis will be on student assistance; and there will be continued demands on institutions through exercise of regulatory powers. It is also suggested that there will be an increasing state role in postsecondary education, and that most states should increase support to the private sector. Specific suggestions for state agency strategy include the following: become bipartisan and influence through informal networks; emphasize leadership development for both full-time personnel and nonagency key persons; identify and involve laypersons; and designate one staff person to be accountable for monitoring federal policy process. (SW)

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PROBLEMS AND ISSUES RELATED TO
LEGISLATIVE PROCESS: THE FEDERAL DIMENSION

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ROBERT C. ANDRINGA

Minority Staff Director for the
Education and Labor Committee
U.S. House of Representatives

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Education Commission of the States
1860 Lincoln Street, Suite 300
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PROBLEMS AND ISSUES RELATED TO LEGISLATIVE PROCESS: THE FEDERAL DIMENSION

After an introduction like that, and I don't know your credibility factor, but if these folks believe 51% of what you just said, I would be better off to say "thanks" and just sit down. In the words of Senator Hunter Andrews, I represent "Big Daddy" here today while the elected representatives are on a ten-day vacation. Some of them may be on vacation, but I've seen the schedules of a few and it's the kind of vacation I would never want to enjoy myself. In the past few years, I guess I'm seen among the staff in the House of Representatives as one of the strongest supporters of the state role. In the last year or two, I have made a priority of attending this kind of meeting in order to interact with state leaders. However, to protect my cover as a contributing member of a federal organization, I hope you correct my title in your program which reads, "Minority State Director." I'm not quite there yet; I'm still working primarily from a federal perspective.

During the early years on the Hill,I made the mistake of assuming people know what a minority staff director was. I would often meet with groups of college presidents who, at the end of the meeting, might say, "Well, I enjoyed that, but I find it just fascinating the minority group would select you to be their staff director."

I want to give you a perspective of the Congressional organization with which I hope you will become increasingly familiar and will feel as though you have the right and responsibility to exercise the opportunity to participate in it. One of your pre-seminar papers was a three or four-page paper called "Congress Needs to Hear From You." In it, I explained the difference between the authorizing committees and the appropriations committees and provided staff phone numbers, addresses, areas of jurisdictions and related information. As Ken Fischer and others know, I never ask for anything on more than two pages. Sometimes I cheat by printing on the front and on the back, but the people I work with seldom read these thick studies and reports and summaries that all of you generate. If we can't give it to them in one page, we might as well forget it. When we staff persons meet with educators, sometimes we try to be accepted by writing longer papers because that's your game. But

where I come from, this is about as long as you'd ever want. And I'm sure you've already read it. That's one of the joys of speaking to literate audiences! So I'm not going to go over the handout except to touch on the areas you wish.

Let's look at the Congress. Some of you might not like 9th grade civics, but I've learned not to make assumption s with any group. Now, just so you can peg where I'm paid, one of the twenty authorizing committees in the House of Representatives is the Committee on Education and Labor. The Chairman is Carl Perkins of Kentucky; the ranking member is Al Quie of Minnesota. Under that committee comes eight subcommittees. Some of the issues with which they deal are labor-management relations, manpower, EEOC, minimum wage laws, arts and humanities, pre-school, handicapped, vocational rehabilitation, and on and on--in addition to the general education programs at all levels. So whenever you see a Member, whether he be a John Brademas, an Al Quie, or whomever, speaking to you, you probably tend to get the feeling as though they're giving a great deal of time and thought to postsecondary education. Well, on this one committee, each member sits on at least three subcommittees and Al Quie, my boss, sits ex officio on all eight. One of these subcommittees (the Subcommittee on Postsecondary Education) is chaired by Representative Jim O'Hara of Michigan. But he also sits on a couple more of our subcommittees and on the new Budget Committee. So he has his hands full with things other than postesecondary education. We also have two other subcommittees on education. The one is chaired by John Brademas of Indiana that deals with the handicapped, vocational-rehabilitation, arts and humanities, drug abuse, consumer education, child development, NIE, and other issues. Another subcommittee handles elementary, secondary, and vocational education. Carl Perkins, who used to be chairman of that subcommittee before he became chairman of the full committee, kept it for himself. So, he is chairman of one subcommittee as well as the full committee.

The beginnings of hearings and legislation that are going on right now in this one committee will eventually end up, we're predicting, in an omnibus education act of 1976. We have one track going with the Brademas subcommittee on NIE. We have another track going with the Perkins subcommittee on the Vocational Act and another track with the O'Hara subcommittee responsible for the Higher Education Act.

To stay with the authorizing side of things, we'll flip over to the Senate--the Labor and Public Welfare Committee. Frankly, I'm not sure how many subcommittees they have. It's more than four and one of them is chaired by Senator Pell of Rhode Island. Senator Pell chairs the Education Subcommittee

which handles all of the education programs. It's very important that you understand the beginnings now of these pieces of legislation. In the House, three different subcommittees handle the same issues as are handled by the one Senate subcommittee. The House subcommittee leaders don't always agree and they have their own ideas. Carl Perkins is very close to the vocational education community, for example. So when there is talk about state plans and state boards, he's going to be seeing that issue primarily through his long experience with the elementary, secondary, and vocational education sectors. At the same time, Jim O'Hara is working on the Higher Education Act under which comes 1202 Commission, so he will be looking at that. With two separate committees, separate rooms, separate schedules, there is no coordinated planning at the subcommittee level and that's where most of the action is. This creates a potential problem of rationalizing state planning that you should keep in mind.

I've been reading several studies on 1202 Commissions and how Congress intended this or that. "Congress" doesn't intend anything. One or two people at the subcommittee level usually "intend" something and on a provision as small as the 1202 Commission, it really doesn't get modified through the remainder of the legislative process, as I will explain in a minute. Thus, we have no centralized congressional planning effort. The House goes its way; the Senate goes its way; and only when we have to meet in conference committees do we get together. I see Senator Pell's staff more often on panels at meetings like this--twice as much in terms of hours spent with them than I do in my job on the Hill.

Apart from this total process of authorizing legislation which, with some exceptions of backdoor spending, does not provide a nickel to higher education is the appropriations process. A separate committee, the Appropriations Committee, handles all spending bills. Each appropriations committee, House and Senate, has thirteen subcommittees and one of the thirteen is called HEW/Labor and Related Agencies. Mr. Flood of Pennsylvania chairs this subcommittee in the House. Senator Magnuson of Washington chairs the one in the Senate. HEW spends $301 million a day every day of the year; $109 billion was HEW's budget last year. There are three hundred programs in HEW and this one committee has to listen and comprehend all of those programs and make decisions about relative priorities. No member of this committee, not one member, sits on an authorizing committee under our rules. So, when you feel like you've reached a Jim O'Hara or reached an Al Quie and you feel that your story has been told, your job is only one-half completed. When we have relative priorities in the Higher Education Act, for

example, we (meaning the authorizing committees) end up being lobbyists with the appropriations committee. John Dellenback, when he was ranking member of the O'Hara subcommittee, went to Mr. Flood's committee and sat down as a witness, just as the American Council on Education, the Land-Grant Association, or the Commissioner of Education. And he tried to convince them that money for 1202 and SSIG were priorities they ought to recognize.

While the House is going its way on authorization or appropriations bills, the Senate is going its own way. All the differences get reconciled is when the House passes its version of the Higher Education Act, for example, and the Senate passes a different version of the Higher Education Act. In 1972, there were 300 major substantive differences between the two bills. The Speaker appointed conferees for the House and the President pro tem of the Senate appointed Senate conferees. Who are the conferees? The conferees are almost entirely members of the subcommittee from which the legislation first started before it moved its way up the ladder. If we get in another major conference, as we will in 1976, we'll have members of the O'Hara subcommittee, a couple members of the Brademas subcommittee because we expect NIE to be part of the total package, and members of Perkins' subcommittee because vocational education will also be part of the package. The Senate conferees will probably be Senator Pell's entire subcommittee. In 1972, on similar legislation, it took us nine weeks to hammer out the 300 differences and, in the final analysis, that's where "congressional intent" is developed.

With respect to the differences on state commissions in 1972, the chairman of the conference (it happened to be Carl Perkins this time--the chairmanship goes back and forth, it's either Perkins or Pell) appointed Al Quie to meet with staff to resolve all these differences on state commissions. We spent about forty-five minutes and it was all resolved . . . Title X-A and Title X-B, 1202, 1203, and so forth. Now to the extent that you can say "Congress" has decided something, it was really at that meeting in Al Quie's office for forty-five minutes or so. Of course, there was a lot of thought behind that meeting. Edith Green had some strong views on her state planning; Harrison Williams had strong views on his community colleges; and Al Quie had strong views on his occupational education provision. But the major issues at the time were really basic opportunity grants, institutional aid, school busing, and others.

I want you to feel comfortable with this process so when you see the names of people, you will know where they enter in. Every person in this room has two senators in Wasington and one representative. Some of you want to

interact, and many of you do interact, with the chairman or a ranking member of a subcommittee. If you're not from Michigan, you still, because of your position, want to have an entree' through your own representative who then sits down with O'Hara on the floor of the House and says, "Hey, what are you guys doing about whatever? I've heard from people in my state and the way I'm getting it, you ought to look at this." All these little things register and they do have an impact. Use your role as constituents. Each member of the House has about eighteen staff people now--both in the district and in Washington, D. C.--and they work their heads off to respond to constituent needs. I know there are over a hundred letters a day in Mr. Quie's office that go out, and most congressmen don't like to have a turnaround time of more than three or four days unless it's something that requires new data or information. So, at least use that opportunity you have as constituents, because we do not hear from state level officials nearly as much as we do from institutional representatives.

We do get resolutions passed by SHEEO or passed by the Education Commission of the States, but these are only resolutions. The position base for the resolution on paper has not been read and unless someone is out there picking up the ball, becoming an advocate, talking about it, it just doesn't cut the mustard. Just a few letters or a few phone calls would do a great deal. Someone asked me to quantify the potential impact by state leadership on federal law in higher education, and I said that on a scale of one to ten, it would be about two or three. So, there is tremendous opportunity for you.

Now, I recognize you are just like everyone else . . . you have only so many hours in a day, you're up to your ears in problems at home, and most days you could care less about communicating something to a subcommittee in the Congress that may eighteen months from then affect you. But I urge you to consider the fact that it is important to get engaged at that level because other individuals are getting engaged. Who are they? Primarily, institutionally-based national associations. We get the views of college presidents. I'm just really picking a number out of the air here, but upwards of 80% of the input that we get would be either from college presidents through their associations or financial aid directors. We do not hear from trustees; we do not hear from faculty. We are beginning to hear from students; we seldom hear from state level higher education agencies; we hardly ever hear from state legislators. Once in a while we hear from the governor's conference, but very seldom; and we hope to begin to hear from the National Council on State Legislatures. However, we primarily hear from the so-called One Dupont Circle associations.

With that as background, I was asked to think a little bit about the strategy of a state agency and I did outline some thoughts on the handout. They're obviously from a person who has never worked at a state level and I may be far off-base, but what I want to get out of the session is a "feel" for how off-base I might be, because I have the bad habit of sharing with members of Congress the perceptions that I carry around. That could affect (I'm not saying it would!) how we come out on the whole question of state agencies. Personally, just to shorten five minutes of talk, I agree 98% with what Senator Reibman said this morning and I believe that she reflects at the state level what is going on in the minds of members of Congress with whom I interact.

Let me be even more specific. In 1972, education was still a topic of some interest. There was some excitement. There was some glamour in being involved in higher education legislation. Our attendance at hearings was pretty good. We had dozens of informal meetings every week and several of the informal meetings were with education leaders. This year it's a different story. We have seventeen members of this subcommittee. We've had some sixty days of hearings, primarily on student assistance; our average attendance is two and one-half. I can't get a member of Congress right now, with unemployment and energy and foreign affairs and the economy on their minds, to sit down very long to think about eligibility questions, the formula for basic grants, or the details of the guaranteed student loan program. For one thing, each issue is so complicated, but primarily it's because of the competition of other issues.

Most authorizing legislation goes for three or four years, then it expires. The Higher Education Act expires June 30th, about a month from now, but there is an automatic extender which has already kicked into place, so it really doesn't expire until June 30, 1976. Consequently, there is not yet a great deal of pressure to act and perhaps that's part of the problem. Another part of the problem is that, in this one committee, we have 114 programs that expire this Congress. And you know that Congress doesn't let many things die! Congress will likely re-authorize them all. Every time a program comes up for re-authorization there are forty members of Congress here, thirteen there, etc. Everyone's ideas can get thrown in the hopper. One problem that I see coming "down the pike" is that the lack of interest and the lack of stimulation from people such as yourselves might result in individual members throwing ideas in the hopper and the rest of the members not being interested enough to really debate, refine, and sharpen it. If it's a $100 million idea, you'll try to reduce it's cost. If it's a $3 million idea, legislative courtesy tends to let a member have his thing. This phenomenon operates in the Senate such that no

member of a Senate committee likes to go to the floor with a major bill unless he has one thing in it he can say is his. It almost gets to the point of staff going around to all the offices saying, "What do you want to do for higher education?" and then trying to write a bill that accommodates each member of the committee.

I don't want to give you an impression of the process that makes you more cynical than you perhaps already are. However, I do want to give you a realistic feeling of the process so that you know how to relate to it. For all of its shortcomings, I think the history of the federal role in higher education is a positive one. If I were a member of Congress who had served for the last fifteen years, I believe I would feel fairly good about the federal role in higher education, but it is not the result of a unified plan. It is an ad hoc process of adding things here and there by different people and I think personally that we have come to the time where we may have reached a saturation point. We may have too many federal programs (over 380 affect post-secondary education). There is too much duplication, contradictions, red tape, criteria, fiscal operations reports, and audits. On top of all that are the regulatory requirements you must face: occupational safety and health, affirmative action, the Buckley amendment on privacy. I'm beginning to get feedback for the first time from the generally liberal education community that they've had enough of big government. In the past, educators would say, "We don't care how you give it to us, just give it to us. We'll adjust." In the last year or so, we've begun to hear, "We're not so sure anymore whether we want that kind of help."

What I'd like to do now is see how many agree with the statements on my handout. Some of them, I am sure, are not as clear to you in terms of what I might mean, but use your own meaning if you can do so. Let's see the four or five areas where there tends to be considerable disagreement and then get some feedback from you on why there is and let me react to it. On each one of these, any one of us could talk for fifteen minutes and still not get far with it.

Editor Note:
Participants then interacted with Mr. Andringa on each of the items in the list which follows.

PERSONAL PERSPECTIVES ON FEDERAL/STATE ROLES
IN POSTSECONDARY EDUCATION

ROBERT C. ANDRINGA
MINORITY STAFF DIRECTOR
COMMITTEE ON EDUCATION AND LABOR
U. S. HOUSE OF REPRESENTATIVES

A. Observations and Predictions

1. Higher education has lost its former high priority status in public's mind and in legislatures. Few would increase taxes (or deficits) to increase the total capacity of the collegiate sector.

2. Collegiate institutions becoming defensive; for many, mere survival is major preoccupation; lack governance structure that is flexible enough for the times.

3. Competition for campus-based students in 1980's will create new public issues which institutions cannot resolve without an external referee.

4. In foreseeable future, increasing institutional costs will have to be shared in larger proportions by students.

5. More and more traditional students and "new clienteles" will need to pursue education while they work.

6. Individual rights will often override what are now seen as institutional prerogatives.

B. What to Expect from the Federal Government

1. Total dollar support keeping up with inflation at best.

2. Few new programs; strong emphasis on student assistance as main strategy.

3. Continued recognition in student assistance programs of both degree and non-degree granting institutions (total now about 5700 eligible institutions of PSE).

4. Continued demands on institutions through exercise of regulatory powers; more red tape and criteria to meet as funds become scarce, abuses of federal programs come to light and issues of privacy, discrimination, consumerism, etc. take hold.

C. What Role for the States?

1. No way but up. Who seriously doubts an increasing state role? Motivation will come out of problems within the state, but federal legislation will encourage the trend.

2. Neither federal government nor an individual institution will be able to take the lead in maintaining a strong postsecondary system in light of the economy ... enrollment declines ... collective bargaining ... public reaction to unemployed college graduates ... competition for tax support in areas of health, unemployment programs, aging, handicapped education, etc.

3. Most states should increase support to the independent sector to:

   - Prevent over-building public sector
   - Guarantee health competition and diversity of opportunities
   - Provide reason for limiting government intrusion into all institutions

4. Strong, fair dealing state agency is a necessary buffer between over zealous (and short-term) political pressures and defensive isolationism on the part of academic institutions.

D. Personal Suggestions on State Agency Strategy

1. Take on the role of servant; become bipartisan; influence through informal networks; seek to represent perspective of what is current situation and what public policy should be.

2. Emphasize leadership development for both full-time personnel and non-agency "key persons." Encourage interestate exchanges; doctoral study research and internships, share ideas with other states. Not the time for "one man shows" in state agencies.

3. Identify and involve "laymen"--not in token manner. They have good perspective in these times; enjoy unique credibility with the broader community; will keep education out of strictly interest-group politics.

4. Become known as individuals thinking about "education and training" for all adults--not as an agency responsible for "educational institutions." Involve libraries, museums, civic groups, business and government training programs, newspapers, TV and other learning resources.

5. If you err on enrollment projections, err on the pessimistic side. Prepare state leaders and institutions for possible closings, mergers, state assumption of independent schools, reductions in number of programs, etc. Why? Politics and public emotions will play greater role in these decisions than quantitative analysis!

6. Designate one staff person to be accountable for monitoring federal policy process. He should alert others when need for letter, phone call, follow-up, etc.

7. Act not only as a reconciler of immediate crises, but help create a new rationale for and descritpion of "appropriate institutional autonomy."

8. Begin working within the state for coordination of federal funds received through revenue-sharing program, CETA, Vocational Education Act--that's where the big dollars will be.

9. Relax about the current thrust of 1202 Commissions. They were not expected to handle all the comprehensive planning of postsecondary education. But they were expected to do relevant planning that included all segments of PSE.

May 23, 1975